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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|----------------------|------------------|
| 10/719,460 | 11/21/2003 | William A. Hood | 2-5169-053 | 2582 |
| 803 | 7590 | 01/26/2005 | EXAMINER | |
| STURM & FIX LLP 206 SIXTH AVENUE SUITE 1213 DES MOINES, IA 50309-4076 | | | MAMMEN, NATHAN SCOTT | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3671 | |

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/719,460

Applicant(s)

HOOD ET AL.

Examiner

Nathan S Mammen

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/03; 03/04; 9/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 3-13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,006,504 to Myers et al., cited by Applicant.

The Myers '504 patent discloses a round baler having two flat panels (22) and a netwrap inlet area configured to accept netwrap material wider than the length between the two flat panels. The baler comprises a front side defined by a drum roller (40). The portion of the roller between the belts (46) is in direct contact with the bale. The baler has a rear side defined by a belt roller (38) that has a length approximately equal to the length of the bale. The flat panels (22) define first and second sides of the bale. Arcuate wedge members (204) are attached to the flat panels and are concentric to the drum roller. The netwrap material (162) contacts the formed bale in a void created by the wedges (204).

Regarding claims 4-7: The netwrap mechanism feeds the net wrap underneath the baler. The arcuate wedge members (204) have an inherent amount of flexibility, and the members act as net guides (see 8, lines 29-31). The supporting cross members (112, 86 and 88) for the netwrap mechanism are spaced more than 10 inches from the lower rollers (38 and 40).

Regarding claims 8-11: The net guide member (204) is located at a position generally above the pickup (see Figs. 1-2) and consists of horizontal and vertical plates.

Regarding claim 12: The netwrap mechanism further includes a net knife (234, 240).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,006,504 to Myers et al. in view of U.S. Patent No. 6,550,218 to McClure et al., both cited by Applicant.

The Myers '504 patent discloses the claimed invention, as stated in paragraph 2 above, including the tapered wedges (204) for creating a void for receiving edges of netwrap material. What the Myers '504 patent does not disclose is a particular baler arrangement in which the drum roller and a belt roller are positioned closely to each other – within a distance of a radius of the belt roller. However, the McClure '218 patent teaches that it is known in the art to provide a baler with a roller arrangement in which a drum roller (6) and a belt roller (22) are closely spaced. It would have been obvious to one having ordinary skill in the art to provide the baler of the Myers '504 patent with the drum and belt roller arrangement as taught by the McClure '218 patent in order to provide greater support for the bale in the area of the crop intake (6).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

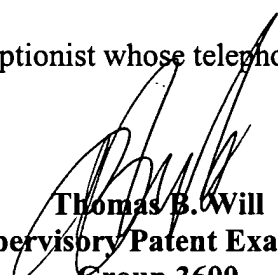
Art Unit: 3671

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Mammen whose telephone number is (703) 306-5959.

The examiner can normally be reached Monday through Thursday from 6:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at (703) 308-3870. The fax number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-1113.



Thomas B. Will
Supervisory Patent Examiner
Group 3600

NSM
1/20/05

Nathan S. Mammen